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REMARKS

The specification has been amended as suggested by the examiner to include the status of the parent application.

Claims 4 and 9 have been amended as suggested by the examiner to satisfy the objection and not to overcome a rejection based on a statutory requirement.

Applicant acknowledges with appreciation the notice of allowable subject matter of Claims 4 and 9, however, Applicant submits that these claims are distinguishable over the prior art of record for reasons not limited to those presented by the examiner, and that the record speaks for itself.

Claims 1-9 remain pending in the application.

Applicant respectfully requests reconsideration and examination of Claims 1-9 in view of the arguments below.

By way of this response, Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the examiner telephone Leo J. Peters at (408)433-4578 so that such issues may be resolved as expeditiously as possible.

Response to the rejection under 35 U.S.C. § 103

Claims 1-3 and 5-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagarajan, et al., U.S. Patent No. 6,441,499 (Nagarajan) in view of Capote et al., U.S. Patent No. 6,335,571 (Capote).

Attached hereto is the Declaration of Kumar Nagarajan under 37 C.F.R. § 1.131 establishing that the present invention was made before the effective date of August

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30, 2000 of *Nagarajan*, thereby disqualifying *Nagarajan* as available prior art.

Because *Nagarajan* is not available as prior art under 37 C.F.R. § 1.131, Applicant respectfully requests that the rejection of Claims 1-3 and 5-8 under 35 U.S.C. § 103(a) over *Nagarajan* in view of *Capote* be withdrawn.

No additional fee is believed due for this amendment.

In view of the above, Applicant submits that Claims 1-9 are in condition for allowance, and prompt and favorable action is earnestly solicited.

Respectfully submitted,



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encl:

- (1) Declarations of Kumar Nagarajan et al. under 37 C.F.R. § 1.131
- (2) Copy of invention disclosure of Kumar Nagarajan et al. for CTE Balanced Flip Chip BGA